

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

LYNNE MILLICAN, individually and as
survivor and next of kin to Matthew Bellamy;

Plaintiff,

vs.

**CORECIVIC, INC.; CORECIVIC OF
TENNESSEE, LLC; CORRECTIONAL
MEDICAL ASSOCIATES, INC.;
DAMON T. HININGER; PATRICK
SWINDLE; JASON MEDLIN; MARTIN
FRINK; KEITH IVENS; F/N/U
THOMAS; and F/N/U REPLOGLE;**

Defendants

Case No. _____

JURY DEMAND

ORIGINAL COMPLAINT

NOW COMES Lynne Millican, the Plaintiff herein, stating and alleging as follows:

Jurisdiction

1. This Court has jurisdiction under 28 U.S.C. § 1331 because the Plaintiffs assert federal claims under 42 U.S.C. § 1983.
2. Venue is proper in this Court because most of the Defendants reside or are located in the Middle District of Tennessee, and the acts giving rise to this lawsuit occurred in the Middle District of Tennessee.

Parties

3. CoreCivic, Inc. is a private prison company that is headquartered in Nashville, Tennessee.

4. CoreCivic of Tennessee, LLC is a wholly-owned subsidiary of CoreCivic, Inc., and it operates all of the CoreCivic facilities in Tennessee. CoreCivic, Inc. and CoreCivic of Tennessee, LLC are hereinafter referred to jointly as “CoreCivic” or “Defendant CoreCivic.”

5. Correctional Medical Associates, Inc. (“CMA”) is a Tennessee corporation affiliated with CoreCivic. It is responsible for providing health care at TTCF, including psychiatric care.

6. Damon Hininger is the chief executive officer of Defendant CoreCivic, Inc.

7. Patrick Swindle is the chief operating officer of Defendant CoreCivic, Inc.

8. Jason Medlin is the vice president of facility operations at Defendant CoreCivic, Inc.

9. Martin Frink is the warden of TTCF.

10. Keith Ivens, M.D. is the medical director for CoreCivic.

11. F/N/U Thomas is the behavioral health administrator for TTCF. She is responsible for ensuring that all TTCF inmates receive appropriate mental health care.

12. F/N/U Replogle is a psychiatrist who is responsible for overseeing the psychiatric nurse practitioners at TTCF. Psychiatric medication is prescribed by the nurse practitioners.

Facts

The untimely death of Matthew Bellamy

13. Matthew Bellamy died as the result of a drug overdose at TCCF on October 11, 2021. He was thirty years old when he died, and he had suffered from serious mental health problems since the age of ten.

14. Prior to his incarceration at TTCF, Matthew had been diagnosed with bipolar disorder and schizophrenia. Despite that history, the psychiatric nurse practitioners did not prescribe Matthew any of the medications necessary to control his illnesses.

15. As a result of his psychiatric conditions and a lack of medication, Matthew resorted to illegal drugs in order to alleviate his suffering. That ultimately resulted in his death by overdose on October 11, 2021.

A long history of indifference and neglect

16. CoreCivic is infamous for putting profits ahead of the safety and well-being of inmates. As a result of chronic and deliberate understaffing, for example, inmates are four times as likely to be murdered in a facility operated by CoreCivic than a facility operated by the State of Tennessee. *See* James Satterfield, “Private prison contractor CoreCivic hit with two new lawsuits over inmate deaths,” *Tennessee Lookout* (September 21, 2019) (<https://tennesseelookout.com/2022/09/21/private-prison-contractor-corecivic-hit-with-two-new-lawsuits-over-inmate-deaths/>)

A performance audit by the Tennessee Comptroller’s Office in 2020 of CoreCivic facilities in the state found myriad problems, including the failure to properly document inmate deaths and violence and identify the causes and adequately staff its prisons.

A chart compiled as part of the audit revealed CoreCivic facilities in Tennessee logged more than double the number of “life-threatening matters and breaches of security,” including deaths, assaults, rapes, escapes and lockdowns, reported at TDOC facilities from 2017 to 2019.

An audit by the U.S. Department of Justice Office of the Inspector General in 2016 detailed widespread staffing deficiencies, inadequate medical care and unchecked violence at CoreCivic facilities across the country. The company’s own shareholders sued the firm that same year for misrepresenting staffing levels and quality of medical care provided to inmates.

Id. (emphasis added).

17. The conditions at CoreCivic facilities are bad enough, but TTCF manages to distinguish itself as the worst of all CoreCivic facilities. The sheer volume of lawsuits and media stories are such that every Defendants was fully aware of the harm caused by CoreCivic’s practice of cutting corners in order to increase profits.¹

¹ *See* Demetria Kalodimos, “Woman says she paid off gangs to keep son safe in prison,” WSMV (Oct. 5, 2017), (<https://www.wsmv.com/news/woman-says-she-paid-off-gangs-to-keep-son-safe->

[inprison/article_a4e670ea-78be-5087-86e5-a65ecd485475.html](https://www.wsmv.com/news/over-1-200-staff-inmates-test-positive-for-covid-19-at-trousdale-turner-correctional-center/article_568c03d2-8bde-11ea-a447-4b7eaabeb67b.html)); Joseph Wenzel, "Over 1,200 staff, inmates test positive for COVID-19 at Trousdale Turner Correctional Center," WSMV (May 1, 2020), (https://www.wsmv.com/news/over-1-200-staff-inmates-test-positive-for-covid-19-at-trousdale-turner-correctional-center/article_568c03d2-8bde-11ea-a447-4b7eaabeb67b.html); Adam Tamburin, "Tennessee prison inmate dies after fight at Trousdale Turner," *The Tennessean* (Jan. 26, 2020), (<https://www.tennessean.com/story/news/2020/01/26/tennessee-prison-inmate-dies-after-fight-trousdale-turner-correctional-center/4581013002/>); Dave Boucher, "New Tennessee CCA prison stops taking inmates amid 'serious issues,'" *The Tennessean*, (May 24, 2016), (<https://www.tennessean.com/story/news/politics/2016/05/24/new-tennessee-private-prison-stop-taking-inmates/84867834/>); Chris Conte, "Prisons for profit: Concerns mount about Trousdale Turner Correctional Center, operator CoreCivic," WTVF (Jun. 13, 2019), (<https://www.newschannel5.com/longform/prisons-for-profit-concerns-mount-about-trousdale-turner-correctional-center-operator-corecivic>); Staff Report, "Scathing state audit slams Tennessee prisons, CoreCivic for staffing, sexual assaults, and deaths in jails," WTVF (Jan. 10, 2020), (<https://www.newschannel5.com/news/scathing-state-audit-slams-tennessee-prisons-corecivic-for-staffing-sexual-assaults-and-deaths-in-jails>); Jamie McGee, "CoreCivic shareholders granted class action status in fraud lawsuit," *The Tennessean* (May 27, 2019), (<https://www.tennessean.com/story/money/2019/03/27/corecivic-class-action-securities-fraud-lawsuit/3289913002/>); Chris Gregory, "Family seeks answers in loved one's death at Trousdale prison," *Lebanon Democrat* (Jan. 2, 2021), (https://www.lebanondemocrat.com/hartsville/family-seeks-answers-in-loved-ones-death-at-trousdale-prison/article_1ffe90f7-0e9f-5021-bb94-9ec1b4d23139.html); Demetria Kalodimos, "Inmates at CoreCivic prisons say they sometimes go months without medical care," WSMV (Jun. 22, 2017), (https://www.wsmv.com/news/inmates-at-corecivic-prisons-say-they-sometimes-go-months-without-medical-care/article_8d28e630-bd12-5f1c-8b68-92b9336553e1.html); Prison Legal News, "Incorrect Cause of Tennessee Prisoner's Death Reported by CoreCivic Employees," PLN (Jun. 7, 2018), (<https://www.prisonlegalnews.org/news/2018/jun/7/incorrect-cause-tennessee-prisoners-death-reported-corecivic-employees/>); Staff Report, Private prison company CoreCivic's history of problems in Tennessee, *The Tennessean* (Jan. 16, 2020), (<https://www.tennessean.com/story/news/local/2020/01/17/private-prison-corecivic-history-problem-tennessee/4470277002/>); Stephen Elliott, "State audit criticizes CoreCivic facilities," *The Nashville Post* (Nov. 14, 2017) (<https://www.nashvillepost.com/business/prison-management/article/20982796/state-audit-criticizes-corecivic-facilities>); Matt Blois, "CoreCivic reports \$25M in profits as COVID infects 2,500+ inmates," *The Nashville Post* (Jun. 30, 2020), (<https://www.nashvillepost.com/business/prison-management/article/21138792/corecivic-reports-25m-in-profits-as-covid-infects-2500-inmates>); Steven Hale, Problems Persist at Tennessee's Mismanaged Prisons, *The Nashville Scene* (Jan. 22, 2020) (<https://www.nashvillescene.com/news/features/article/21111586/problems-persist-at-tennessees-mismanaged-prisons>); Dave Boucher, "CoreCivic investigating ex-officer's allegations of negligent deaths at private prison," *The Tennessean* (Dec. 12, 2017) (<https://www.tennessean.com/story/news/2017/12/12/corecivic-investigating-ex-officers-allegations-negligent-deaths-private-prison/946196001/>); Elizabeth Weill-Greenberg, 'Just Let Him Kick,' *The Appeal* (Sep. 6, 2018) (<https://theappeal.org/just-let-him-kick/>); Brinley Hineman, "Murfreesboro man charged in prison cellmate's death at Trousdale," *Daily News Journal* (Feb. 20, 2020), (<https://www.dnj.com/story/news/2020/02/20/murfreesboro-man-jacob-kado-charged-death-prison-cellmate-ernest-hill-trousdale-turner/4818354002/>); Ethan Illers, "Man killed during inmate-on-inmate altercation at Trousdale Turner prison," WSMV (Jun. 16, 2019) (https://www.wsmv.com/news/man-killed-during-inmate-on-inmate-altercation-at-trousdale-turner-prison/article_8d8b6806-9066-11e9-b749-7b44cac1c002.html); Jeremy Finley, "Recorded conversations reveal life inside prison ravaged by COVID-19," WSMV (May 6, 2020)

18. Of particular relevance to this case, CoreCivic has an established pattern and practice of providing inadequate medical care at its facilities. That point was demonstrated in *Grae v. Corrections Corporation of America* (“CCA”), Case No. 3:16-cv-2267 (M.D. Tenn.), the shareholder lawsuit mentioned above in Paragraph 16. Shareholders alleged that CoreCivic had

(https://www.wsmv.com/news/investigations/recorded-conversations-reveal-life-inside-prison-ravaged-by-covid-19/article_91ef5b06-8fe2-11ea-9b75-f36db06e1ab1.html); Demetria Kalodimos, “Gang activity, security a concern at Trousdale Turner facility,” WSMV (Jun. 21, 2017), (https://www.wsmv.com/news/gang-activity-security-a-concern-at-trousdale-turner-facility/article_df82a358-7073-552e-b5e4-9feb2e9cf8bc.html); Steven Hale, *Tennessee’s Largest Prison Still Appears as Troubled as Ever*, *The Nashville Scene* (Feb. 13, 2019), (<https://www.nashvillescene.com/news/features/article/21047078/tennessees-largest-prison-stillappears-as-troubled-as-ever>); Jessie Williams, “Trousdale Turner Corrections Officer Arrested,” *Macon County Chronicle* (Feb. 5, 2019) (<https://www.maconcountychronicle.com/news/5680trousdaleturner-corrections-officer-arrested>); Natalie Allison, “Lawmakers hear from prison rape survivor, parents of man who hanged himself in CoreCivic facility,” *The Tennessean* (Dec. 19, 2018) (<https://www.tennessean.com/story/news/politics/2018/12/19/tennessee-legislators-hear-rape-suicidecorecivic-prison/2355556002/>); Dave Boucher, “Private prison chief: ‘We’ve got work to do’ at Trousdale facility,” *The Tennessean* (Dec. 13, 2016) (<https://www.tennessean.com/story/news/2016/12/13/privateprison-chief-weve-got-work-do-trousdale-facility/95223230/>); Demetria Kalodimos, Former chaplain describes conditions inside TN prison, WSMV (Jun. 19, 2017), https://www.wsmv.com/news/formerchaplain-describes-conditions-inside-tn-prison/article_9b30af82-8297-5101-b11f-b5fd9270bf18.html); Chris Gregory, “Trousdale Turner employee charged with smuggling contraband,” *Lebanon Democrat* (Apr. 23, 2020), (https://www.lebanondemocrat.com/hartsville/trousdale-turner-employee-charged-withsmuggling-contraband/article_6b865daf-fbc8-5a59-9a35-e84b61ace2e4.html); Andy Cordan, Prison corrections officer in Trousdale County arrested carrying drugs, WKRN (Jan. 20, 2021) (<https://www.wkrn.com/news/prison-corrections-officer-in-trousdale-county-arrested-carrying-drugs/>); Dave Boucher, “Gangs, insufficient staffing plague troubled Tennessee private prison, state audit finds,” *The Tennessean* (Nov. 14, 2017), (<https://www.tennessean.com/story/news/politics/2017/11/14/tennessee-private-prison-operated-bycorecivic-blasted-ongoing-problems-new-state-audit/858884001/>); Keith Sharon and Adam Tamburin, “‘This is unreal’: Family seeks answers in death of Trousdale Turner prison inmate,” *The Tennessean* (Feb. 2, 2021) (<https://www.tennessean.com/story/news/2021/02/03/trousdale-turner-inmate-aaron-blakeadams-dead-family-wants-answers/4290646001/>); Alex Corradetti, “Investigation underway following death of inmate at Trousdale Turner Correctional Center,” WKRN (Sep. 8, 2021), (<https://www.wkrn.com/news/investigation-underway-following-death-of-inmate-at-trousdale-turnercorrectional-center/>); Chris Gregory, “Former Trousdale Turner corrections officer indicted,” *Lebanon Democrat* (Oct. 7, 2021) (https://www.lebanondemocrat.com/hartsville/former-trousdale-turner-corrections-officer-indicted/article_aac20d8d-16e5-5edc-9e7e-d5fd9f8bfd0e.html); Levi Ismail, “NAACP calls for closure of Trousdale Turner Correctional Center, cites ‘barbaric treatment’ of Black men,” WTVF (Nov. 11, 2021) (<https://www.newschannel5.com/news/naacp-calls-for-closure-of-trousdale-turner-correctional-center-cites-barbaric-treatment-of-black-men>).

failed to provide adequate medical care to inmates, *CCA*, 330 F.R.D. 481 (M.D. Tenn. 2019), and the company settled the case shortly before Matthew's death. *CCA*, 2021 WL 5234966 (M.D. Tenn. Nov. 8, 2021). Meanwhile, during the COVID-19 outbreak, TTCF had nearly four times the number of infections as state-run facilities. See Kendyl Kearly, "COVID rates at CoreCivic prisons soar above rates at state-run facilities," *Tennessee Lookout* (October 18, 2021) (<https://tennesseelookout.com/2021/10/18/covid-rates-at-corecivic-prisons-soar-above-rates-at-state-run-facilities/>). And in 2018, diabetic inmates reported that they were being denied insulin in order to maximize profits. See Brett Kelman, "At Tennessee's largest prison, diabetic inmates say they are denied insulin to 'maximize profits'," *The Tennessean* (Aug. 7, 2018) (<https://www.tennessean.com/story/news/2018/08/07/corecivic-diabetic-inmates-denied-insulintrousdale-turner/925297002/>).

19. Mental health services at TTCF are no better. In *John Smith and Soynia Smith v. CoreCivic, Inc., et al.*, Case No. 3:20-cv-00563 (M.D. Tenn.), the plaintiffs' son, Addison, committed suicide following a history of medical neglect. Like Matthew, Addison had a history of severe mental illness dating back to childhood. Notwithstanding that history, a nurse practitioner at TTCF abruptly discontinued his medication, and the resulting psychiatric distress contributed to Addison's suicide.

20. In this case, inadequate or non-existent psychiatric care resulted in Matthew's death. No reasonable psychiatric provider would fail to provide medication to an inmate who suffered from bipolar disorder and schizophrenia, and it was entirely predictable that Matthew would resort to illegal drugs in order to alleviate his suffering.

21. Defendants CoreCivic, Inc. and CoreCivic of Tennessee each have adopted a policy of withholding medical care from inmates in order to maximize profits. That policy contributed to Matthew's death.

22. F/N/U REPLOGLE had a statutory duty to oversee the psychiatric care of Matthew, and that included a duty to review the treatment that he was (or was not) receiving from TTCF's nurse practitioners. F/N/U Replogle acted with deliberate indifference by failing to monitor the medical treatment of an inmate with such severe psychiatric illnesses. He carried out CoreCivic's policy of withholding medical care in order to maximize profits.

23. As the mental health coordinator for TTCF, F/N/U Thomas likewise had a duty to make sure Matthew received the mental health treatment that he needed. Had she even reviewed his psychiatric history, she would have known that he needed significant treatment for his mental health problems. F/N/U Replogle acted with deliberate indifference by ignoring Addison's mental health history. She carried out CoreCivic's policy of withholding medical care in order to increase profits.

24. As medical director for CoreCivic, Defendant Ivens was responsible for overseeing medical and behavioral healthcare at all CoreCivic facilities. Rather than correct the shortcomings at TTCF (and other facilities), Defendant Ivens instead carried out CoreCivic's policy of withholding medical care in order to maximize profits.

25. Similarly, Defendant CMA was responsible for providing medical and behavioral healthcare services at CoreCivic facilities, including TTCF. Notwithstanding the longstanding failures in medical care at TTCF, CMA continued the practice of withholding medical care in order to maximize profits.

26. As executives at CoreCivic, Defendants Hininger, Swindle, and Medlin knew about persistently inadequate medical care at TTCF, and they had every opportunity to improve medical at TTCF. Instead, they carried out CoreCivic's policy of withholding medical care in order to maximize profits.

27. Another obvious factor contributed to Matthew's death, and that was the widespread availability of illegal drugs at TTCF. For the reasons set forth below, the Plaintiff alleges that Defendants CoreCivic, Hininger, Swindle, Medlin, and Fink were deliberately indifferent to the problem of illegal drugs at CoreCivic facilities.

28. As a matter of policy, Defendant CoreCivic does not adequately screen the applicants that it hires as guards. The Plaintiff intends to present testimony that the predominantly female guard staff at CoreCivic facilities often have gang affiliations or romantic relationships with gang members. Sometimes the guards have tattoos reflecting their gang affiliations, sometimes they talk about their gang affiliations in the presence of inmates, and sometimes they flash hand signs reflecting gang affiliations. Predictably, illegal gangs utilize the gang-affiliated guards to smuggle drugs into CoreCivic facilities.

29. Upon information and belief, CoreCivic has done more than tolerate illegal gang activity at TTCF. The facility was extremely understaffed when it opened, and violence quickly spun out of control. Shortly thereafter, TTCF management started working with senior gang leaders and relied on their help to maintain some semblance of order. To this day, gang leaders effectively run TTCF, and that results in a greater influx of illegal drugs.

30. Relatedly, and as a matter of policy, CoreCivic does not follow generally accepted correctional practices for preventing the entry of contraband into its facilities. As a result, prison staff can readily smuggle drugs into TTCF. A former guard will testify that the pat-down searches

at TTCF are performed so haphazardly that staff can easily smuggle drugs into TTCF without detection. She will further testify that drug-detection dogs are utilized so infrequently that smugglers are undeterred. Finally, she will testify that CoreCivic purchased a body scanner for use at TTCF, but the device was never installed or used.

31. It was (and is) entirely foreseeable that inadequate drug screening would result in inmate deaths. Any inmate at TTCF faces extraordinary stress as a result of the violent and gang-dominated “Lord of the Flies” culture at TTCF. That is all the truer for inmates like Matthew. Given his psychiatric history and the lack of treatment, it was a near certainty that he would consume illegal drugs if they were readily available.

32. Defendants CoreCivic, Inc., CoreCivic of Tennessee, LLC, Hininger, Swindle, Jason Medlin, and Frink were deliberately indifferent to the dangers posed by rampant drug dealing at TTCF and other CoreCivic facilities. Had they adopted and enforced generally accepted procedures for detecting contraband, and had Matthew been provided mental health treatment, he likely would not have become dependent on the drugs that ultimately took his life.

Claims

Count 1: Civil Rights Violations

33. All prior paragraphs are incorporated herein by reference.

34. The Plaintiff brings claims against all Defendants under 42 U.S.C. §1983 for Eighth Amendment violations, namely deliberate indifference to the health and safety of Matthew Bellamy.

Count 2: Medical malpractice

35. All prior paragraphs are incorporated herein by reference.

36. The Plaintiff brings claims against the CoreCivic entities and Defendants CMA,

Ivens, Thomas, and Replogle for medical malpractice leading to the death of Matthew Bellamy.

Count 3: Gross Negligence

37. All prior paragraphs are incorporated herein by reference.

38. The Plaintiff brings claims against the CoreCivic entities as well as Defendants Hininger, Swindle, Medlin, and Frink for gross negligence leading to the death of Matthew Bellamy.

Count 4: Negligence

39. All prior paragraphs are incorporated herein by reference.

40. The Plaintiff brings claims against the CoreCivic entities as well as Defendants Hininger, Swindle, Medlin, and Frink for negligence leading to the death of Matthew Bellamy.

Count 5: Violation of the Americans with Disabilities Act and Section 504 of the

Rehabilitation Act

41. Decedent was a person with a disability within the meaning of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act.

42. Defendant, Corecivic, is an entity performing a government function subject to Title II with the Americans with Disabilities Act.

43. Defendant, Corecivic is a recipient of federal funding subject to Section 504 of the Rehabilitation Act.

44. Defendant, Corecivic was on notice at all times relevant to this Complaint that Decedent suffered from a disability.

45. Despite being on notice of Decedent's disability, Defendant, Corecivic failed to make reasonable accommodations so that Decedent could participate in the programs and services provided by Corecivic.

46. As a result of Defendant, Corecivic's failure to make reasonable accommodations for the Decedent, Decedent suffered damages including personal injury and death.

Request for Relief

41. The Plaintiffs respectfully pray that upon a final hearing of this case, judgment be entered for them against the Defendants, for actual and punitive damages together with pre-judgment interest at the maximum rate allowed by law; post-judgment interest at the legal rate; costs of court; attorney fees; and such other and further relief to which the Plaintiffs may be entitled at law or in equity.

THE PLAINTIFF DEMANDS A JURY TRIAL.

Respectfully submitted,

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